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CRAIG YATES , an individual;
 and DISABILITY RIGHTS ENFORCEMENT,
 EDUCATION, SERVICES:
 HELPING YOU HELP OTHERS,
 a California public benefit corporation,

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

CRAIG YATES, an individual; and)
 DISABILITY RIGHTS, ENFORCEMENT,)
 EDUCATION, SERVICES:HELPING YOU)
 HELP OTHERS, a California public benefit)
 corporation,)

Plaintiffs,

v.

I CAFÉ, TSO HIN FONG; and GEORGE K.)
 SHAMIEH and KATHRYN SHAMIEH)
 CO-TRUSTEES of THE FAMILY TRUST)
 DATED 01/15/1994,)

Defendants.

CASE NO. CV-09-1448-MEJ

**STIPULATION OF DISMISSAL AND
~~[PROPOSED]~~ ORDER THEREON**

The parties, by and through their respective counsel, stipulate to dismissal of this action in its entirety with prejudice pursuant to Fed.R.Civ.P.41(a)(1). Outside of the terms of the Settlement Agreement and General Release (“Agreement”) herein, each party is to bear its own costs and attorneys’ fees. The parties further consent to and request that the Court retain jurisdiction over enforcement of the Agreement. *See Kokonen v. Guardian Life Ins. Co.*, 511 U.S. 375 (1994) (empowering the district courts to retain jurisdiction over enforcement of settlement agreements).

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STIPULATION OF DISMISSAL AND [PROPOSED] ORDER THEREON YATES V. ICAFE

1 Therefore, IT IS HEREBY STIPULATED by and between parties to this action through
2 their designated counsel that the above-captioned action be and hereby is dismissed with prejudice
3 pursuant to Federal Rules of Civil Procedure section 41(a)(1).

4 This stipulation may be executed in counterparts, all of which together shall constitute one
5 original document.

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7 Dated: February 12, 2010

THOMAS E. FRANKOVICH
A PROFESSIONAL LAW CORPORATION

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9 By: _____/S/
10 Thomas E. Frankovich
11 Attorney for CRAIG YATES and
12 DISABILITY RIGHTS ENFORCEMENT,
13 EDUCATION SERVICES:HELPING YOU HELP
14 OTHERS

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1 Dated: February 23, 2010

SHAMIYEH SHAMIEH
Attorneys At Law

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4 By: _____/S/
5 Rami S. Shamieh
6 Attorneys for TSO HIN FONG; and GEORGE K.
7 SHAMIEH and KATHRYN SHAMIEH CO-
8 TRUSTEES of THE FAMILY TRUST DATED
9 01/15/1994

10 **ORDER**

11 IT IS HEREBY ORDERED that this matter is dismissed with prejudice pursuant to
12 Fed.R.Civ.P.41(a)(1). IT IS FURTHER ORDERED that the Court shall retain jurisdiction for the
13 purpose of enforcing the parties' Settlement Agreement and General Release should such
14 enforcement be necessary. The Clerk of Court shall close the file.

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16 Dated: March 1, 2010

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19 Honorable Magistrate Judge Elena James
20 Chief United States Magistrate Judge
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